

Notice of Allowability

Application No.

10/795,991

Examiner

Greg F. Cunningham

Applicant(s)

SHIN ET AL.

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to ^{IDS} ~~amendment~~ received 10/10/2006.
2. ☒ The allowed claim(s) is/are 36,39-52 and 55-66.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 10-6-04, 10-10-06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This action is responsive to amendment filed 10/10/2006.
2. The disposition of the claims is as follows: claims 36, 39-52 and 55-66 are pending in the application. Claims 36 and 52 are independent claims. Claims 1-38, 53, 54 and 67 have been cancelled.

Priority

3. In view of cancelled claims and amendments, priority requirement obviated.

Claim Rejections - 35 USC § 112

4. In view of the cancelled claims and amendments, 112 rejections are withdrawn.

Claim Rejections - 35 USC § 102 and 103

5. In view of amended and cancelled claims and review of cited references, 102 and 103 rejections are withdrawn.

Examiner's Amendment

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Diallo T. Crenshaw (Reg. No. 52,778) on 11/14/2006.

The application has been amended as follows:

Change first line of claim 36 from:

-- A computer readable medium having program codes executable --

To read now as:

-- A computer readable medium having stored program codes executable --

Allowable Subject Matter

7. Claims 36, 39-52 and 55-66 are allowed.

8. The following is an examiner's statement of reasons for allowance:

Applicant's amended independent claims 36 and 52 stand novel over the related prior art. For instance, while the related art of Quadranti et al. (US 6,594,391 B), does make use of feature extractions performed in selected sidebands to compute vectors where $r_{x,m}$, $r_{x,s}$, $r_{x,f}$ are regularity features along the horizontal axis and $r_{y,m}$, $r_{y,f}$ are regularity features along the vertical axis, yet neither are wherein the regularity of the image is expressed as one of a plurality of predetermined values.

Likewise the reference Ort et al., (US 5,659,626) discusses similarity rather than regularity of two images.

Therefore as claimed by the combined elements of amended independent claims 36 and 52, the cited references and prior art of record lack separately and in combination the elements of amended claims.

Claims 39-51 and 55-66 depend from allowable independent claims 36 and 52, respectively, and therefore are also allowed.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Responses

10. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9306 may be used for formal communications.

Inquiries

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Cunningham

Examiner

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11/7/2006



KEE M. TUNG
SUPERVISORY PATENT EXAMINER